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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,593	09/25/2001	Jordan Du Val	M-11052 US	3559
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PATENT LAW GROUP LLP 2635 NORTH FIRST STREET SUITE 223 SAN JOSE, CA 95134			EXAMINER TODD, GREGORY G	
			ART UNIT 2157	PAPER NUMBER

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,593

Applicant(s)

DU VAL ET AL.

Examiner

Gregory G Todd

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/25/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a first office action in response to application filed, with the above serial number, on 25 September 2001 in which claims 1-34 are presented for examination. Claims 1-34 are therefore pending in the application.

Specification

2. The most recent information regarding patent and/or application numbers from related applications should be entered.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the third and fourth computers and their actions in claims 32-34 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 13 and 14 are objected to because of the following informalities: The term "updatation" is not a standard term. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 33 and 34 recite the limitation "fourth computer" in line 1. There is insufficient antecedent basis for this limitation in the claim as there is no third computer.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2, 4-7, 9-10, 12-19, and 23-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Purnaveja et al (hereinafter "Purnaveja", 6,230,172).

As per Claim 1, Purnaveja teaches a computer-implemented method for distributing interactive data to a plurality of users over a computer network, the method comprising:

processing a series of the interactive data, the interactive data being synchronized with a performance of audio-visual content (at least col. 5, lines 20-50; annotation streams accompanying video/audio stream); and

distributing the interactive data to the plurality of users over the computer network, wherein the distributing is synchronized with the contemporaneous performance of the audio-visual content (at least col. 5, lines 20-50; synchronously displaying video stream and event stream).

As per Claim 2. The method of claim 1, wherein the audio-visual content includes audio-only content, visual-only content, and combined audio and visual content (at least col. 5, 20-38col. 6, lines 23-30; video and audio).

As per Claim 4. The method of claim 1, wherein the interactive data includes an interactive event (at least col. 5, lines 38-49; col. 6, lines 40-60; html text).

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As per Claim 5. The method of claim 1, wherein the interactive data includes a link to a remote computer resource (at least col. 5, lines 38-49; col. 6, lines 40-60; URL).

As per Claim 6. The method of claim 5, wherein the link includes a URL (at least col. 5, lines 38-49; col. 6, lines 40-60; URL).

As per Claim 7. The method of claim 5, wherein the link includes a label describing the remote computer resource (at least col. 5, lines 38-49; col. 6, lines 40-60; html text).

As per Claim 9. The method of claim 4, further comprising: recording the interactive events in a computer storage medium (at least col. 6, lines 45-60).

As per Claim 10. The method of claim 1, further comprising: uploading the series into at least one Web server (at least Fig. 9; stream server).

As per Claim 12. The method of claim 4, wherein each interactive event is marked with a timestamp at the moment of the extracting (at least col. 9, lines 40-54; col. 7, lines 15-23; timeline).

As per Claim 13. The method of claim 12, further comprising: receiving a plurality of event updation requests from the plurality of client computers over the computer network; and performing the distributing for a particular client computer in response to receiving an updation request from the particular client computer (at least col. 10, lines 4-28; viewer controlling time of streams and server updating upon user interaction).

As per Claim 14. The method of claim 13, further comprising: wherein the event updation request received from the particular client computer includes information

identifying the most current interactive event received by the particular client computer; determining whether any of the interactive events in the uploaded series is more current than the interactive event identified in the event updation request; and if a more current interactive event in the uploaded series is identified, distributing the identified interactive event to the particular client computer (at least col. 10, lines 4-28; resetting annotation and video streams to selected point in time).

As per Claim 15. The method of claim 14, further comprising: if more than one interactive event in the uploaded series is determined to be more current than the interactive event identified in the event updation request, distributing the next most current interactive event in the uploaded series to the particular client computer (at least col. 10, lines 4-28; resetting annotation and video streams to selected point in time).

As per Claim 16. The method of claim 4, further comprising: receiving a selection of one of the distributed interactive events from a particular client computer, wherein the selection identifies information retrievable from a server computer connected to the computer network (at least col. 8, lines 11-30; web page from server).

As per Claim 17. The method of claim 16, further comprising: storing a record of the selection in a computer storage medium (at least col. 6, lines 45-60).

As per Claim 18. The method of claim 16, further comprising: receiving the selection as an HTTP command sent by a Web browser executing in the particular client computer (at least col. 8, lines 54-67).

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As per Claim 19. The method of claim 16, further comprising: sending a request for the information identified by the selection to the server computer identified by the selection, wherein the request includes an instruction directing the server computer to send the linked information to the particular client computer (at least col. 8, lines 54-67; client "pulling" page).

As per Claim 23. The method of claim 1, further comprising: generating the series via execution of a computer program (at least col. 5, lines 38-49; producing).

As per Claim 24. The method of claim 23, wherein the computer program is a scripting program (at least col. 5, lines 38-49).

As per Claim 25. The method of claim 1, further comprising: generating at least one interactive event; and distributing the event to at least one of the plurality of users, wherein the event is inserted within the series of interactive television events (at least col. 5, lines 38-49; col. 6, lines 40-60; annotation streams).

As per Claim 26. The method of claim 25, wherein the generating includes executing a scripting program (at least col. 5, lines 38-49).

As per Claim 27. The method of claim 25, further comprising: receiving a selection of the generated event from a particular client computer, wherein the selected generated event identifies information retrievable from a server computer connected to the computer network (at least col. 8, lines 11-30; web page from server).

As per Claim 28. The method of claim 27, storing a record of the selection in a database (at least Fig. 9; col. 6, lines 45-60).

As per Claim 29. The method of claim 27, wherein the selection is received as an HTTP command sent by a Web browser executing in the particular client computer (at least col. 8, lines 54-67).

As per Claim 30. The method of claim 27, further comprising: sending a request for the information identified by the selection to the server computer identified by the selection, wherein the request includes an instruction directing the server computer to send the linked information to the particular client computer (at least col. 8, lines 54-67; client "pulling" page).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 8, 11, 20-22, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purnaveja in view of Weinstein et al (hereinafter "Weinstein", 6,604,242).

As per Claim 3, Purnaveja teaches the method of claim 1, but fails to explicitly teach wherein the audio-visual content is received via a broadcast signal. However, the use

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and advantages for using broadcast signals is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Weinstein (at least Weinstein col. 5, lines 1-10; col. 8, lines 29-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Weinstein's broadcast signals into Purnaveja's system as Purnaveja teaches the sources for the video being a video camera or digitized video file (see col. 5, lines 50-60) and it is well known for television broadcast signals to originate from video cameras and Weinstein teaches a similar system with broadcast information being streamed along with video content.

As per Claim 8, Purnaveja teaches the method of claim 1, but fails to explicitly teach wherein the interactive data includes information identifying a broadcast signal by carrier. However, the use and advantages for using broadcast signals is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Weinstein (at least Weinstein col. 5, lines 1-10, 19-26; col. 8, lines 29-48; television channel). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Weinstein's broadcast signals into Purnaveja's system as Purnaveja teaches the sources for the video being a video camera or digitized video file (see col. 5, lines 50-60) and it is well known for television broadcast signals to originate from video cameras and Weinstein teaches a similar system with broadcast information being streamed along with video content.

As per Claim 11, Purnaveja teaches the method of claim 1, but fails to explicitly teach further comprising: extracting the series from a broadcast transmission. However, the

use and advantages for using broadcast signals is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Weinstein (at least Weinstein col. 5, lines 1-10, 19-26; col. 8, lines 29-48; tuning to television channel). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Weinstein's broadcast signals into Purnaveja's system as Purnaveja teaches the sources for the video being a video camera or digitized video file (see col. 5, lines 50-60) and it is well known for television broadcast signals to originate from video cameras and Weinstein teaches a similar system with broadcast information being streamed along with video content.

As per Claim 20. The method of claim 1, further comprising: receiving multiple series of interactive events over the computer network; and distributing each series to a portion of the plurality of users over the computer network, wherein the distributing for each series is synchronized with the corresponding live broadcast signal originating the respective series (at least col. 5, lines 20-50; synchronously displaying video stream and event stream).

Purnaveja fails to explicitly teach wherein each series is embedded in a different live broadcast signal. However, the use and advantages for using broadcast signals is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Weinstein (at least Weinstein col. 5, lines 1-10, 19-26; col. 8, lines 29-48; tuning to television channel). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Weinstein's broadcast signals into Purnaveja's system as Purnaveja teaches the sources for the

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video being a video camera or digitized video file (see col. 5, lines 50-60) and it is well known for television broadcast signals to originate from video cameras and Weinstein teaches a similar system with broadcast information being streamed along with video content.

As per Claim 21. The method of claim 20, further comprising: determining which portion of the plurality of users to distribute a particular series based on a request received from each of the plurality of users, wherein each request identifies the particular series to be distributed to the requesting user (at least col. 8, lines 1-30; target web page for client).

As per Claim 22. The method of claim 20, further comprising: uploading each series of interactive events into a plurality of Web servers within a Web server cluster (at least Fig. 9).

As per Claim 31, Purnaveja teaches a computer system for distributing a series of interactive television events to a plurality of users over a computer network, the method comprising:

a first computer connected to the computer network (at least col. 5, lines 20-50; Fig. 3; producer/designer computer);

a first computer program executing in the first computer, the first computer program including computer instructions for: receiving the series of interactive events over the computer network (at least col. 5, lines 20-50; Fig. 3, 9; producer computer from designer); and

sending the series to at least one second computer (at least col. 5, lines 20-50; streaming server);

the second computer connected to the first computer and to at least one client computer via the computer network (at least col. 5, lines 20-50; synchronously displaying video stream and event stream);

a second computer program executing in the second computer, the second computer program including computer instructions for: receiving the series of interactive events from the first computer (at least col. 5, lines 20-50; streams to be sent to client); and

sending the series to the client computer in response to a request received from the client computer (at least col. 5, lines 20-50; col. 8, lines 1-20; synchronously displaying video stream and event stream).

Purnaveja fails to explicitly teach wherein the series is embedded in a live broadcast signal. However, the use and advantages for using broadcast signals is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Weinstein (at least Weinstein col. 5, lines 1-10, 19-26; col. 8, lines 29-48; tuning to television channel). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Weinstein's broadcast signals into Purnaveja's system as Purnaveja teaches the sources for the video being a video camera or digitized video file (see col. 5, lines 50-60) and it is well known for

television broadcast signals to originate from video cameras and Weinstein teaches a similar system with broadcast information being streamed along with video content.

As per Claim 32. The computer system of claim 31, further comprising: a third computer connected to the first computer; and a third computer program executing in the third computer, the computer program including computer instructions for: extracting a series of interactive events; and sending the series to the first computer (at least col. 5, lines 20-50; Fig. 3, 9; designer computer).

As per Claim 33. The computer system of claim 31, further comprising: a fourth computer connected to the client computer via the computer network; and a fourth computer program executing in the fourth computer, the fourth computer program including computer instructions for: receiving a selection of one of the distributed interactive events from a particular client computer, wherein the selection identifies information retrievable from a server computer connected to the computer network; and sending a request for the information identified by the selection to the server computer identified by the selection, wherein the request includes an instruction directing the server computer to send the linked information to the particular client computer (at least col. 7, lines 15-52; col. 8, lines 1-30; client module loading according to target web page).

As per Claim 34. The computer system of claim 31, further comprising: a fourth computer program executing in the first computer, the fourth computer program including computer instructions for: generating an interactive event; inserting the

generated interactive event within the series; and sending the series with the inserted event to the second computer (at least col. 7, lines 15-52; annotation frame including event locator).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bookspan et al, Parasnis et al, Ullman et al, Matthews et al, Rangan et al et al, and Collins-Rector et al are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd



Patent Examiner

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